

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DYSON TECHNOLOGY LIMITED)
and DYSON, INC.,)
Plaintiffs,)
v.) Civil Action No. 05-434 GMS
)
MAYTAG CORPORATION,)
Defendant.)

**DEFENDANT HOOVER, INC.'S MOTION *IN LIMINE* TO EXCLUDE
THE EXPERT TESTIMONY OF PLAINTIFFS' WITNESS
JAMES WIDDOWSON AND STRIKE HIS EXPERT REPORT UNDER DAUBERT**

NOW COMES Defendant/Counterclaim Plaintiff Hoover, Inc.¹ ("Hoover"), through its undersigned counsel, respectfully moves this Court for an order excluding the expert testimony and striking the expert report of James Widdowson, an expert witness for Plaintiffs/Counterclaim Defendants Dyson Technology Ltd. and Dyson, Inc. (collectively "Dyson").

In support of this motion, Hoover respectfully refers the Court to Hoover's Memorandum of Law in Support of Its Motion *in Limine* to Exclude the Expert Testimony of Plaintiffs' Witness James Widdowson and Strike His Expert Report Under *Daubert*, the supporting affidavit of Kari M. Rollins and exhibits attached thereto, the paper and records on file in this action, and any evidence and argument that may be heard on this motion. A form of Order implementing the relief sought by this motion is attached hereto.

¹ Subsequent to the filing of the complaint and counterclaims in this case, substantially all of the assets and liabilities of The Hoover Company, which was operated as a division of The Maytag Corporation at the time of suit, were sold to a newly formed corporation called "Hoover, Inc." and to entities owned by Hoover, Inc., including Hoover General LLC, Hoover Limited LLC and Hoover Partnership L.P. On March 13, 2007, Hoover filed a motion seeking leave to join these additional entities to whom its interest in the floor care business (along with the interest of its subsidiaries) was transferred, effective January 31, 2007.

Dated: April 16, 2007

Respectfully submitted,

HOOVER, INC.

/s/ Francis DiGiovanni

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ORDER

IT IS SO ORDERED this _____ day of _____, 2007, that the following is precluded: any expert testimony and evidence by Dyson's expert witness James Widdowson regarding the test results generated in accordance with IEC 60312, ASTM, and/or Dyson internal testing standards, and the conclusions related thereto.

United States District Judge

CERTIFICATE OF SERVICE

I, Francis DiGiovanni, hereby certify that on April 16, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on April 16, 2007, I caused a copy of the foregoing document to be served by hand delivery and e-mail on the above-listed counsel of record, and by e-mail and first class mail on the following counsel of record:

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